

**FILED**

APR 25 2008

**Board of Vocational Nursing  
and Psychiatric Technicians**

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7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2004-2295

11 MICHELLE KRISTEEN GREENING AKA  
MICHELLE KRISTEEN DEIKE  
12 12225 Silverberry Street  
Rancho Cucamonga, CA 91739  
13 Vocational Nurse License No. VN 200074

**A C C U S A T I O N**

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
19 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational  
20 Nursing and Psychiatric Technicians, Department of Consumer Affairs.  
21 2. On or about June 21, 2002, the Board of Vocational Nursing and  
22 Psychiatric Technicians issued Vocational Nurse License Number VN 200074 to Michelle  
23 Kristeen Greening aka Michelle Kristeen Deike (Respondent). The Vocational Nurse License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 December 31, 2009, unless renewed.

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1           "(e) Making or giving any false statement or information in connection with the  
2 application for issuance of a license.

3           "(f) Conviction of a crime substantially related to the qualifications, functions,  
4 and duties of a licensed vocational nurse, in which event the record of the conviction shall be  
5 conclusive evidence of the conviction.

6           ....

7           "(j) The commission of any act involving dishonesty, when that action is related  
8 to the duties and functions of the licensee."

9           ....

10          8.       Section 2878.5 of the Code states:

11           In addition to other acts constituting unprofessional conduct within the meaning  
12 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person  
13 licensed under this chapter to do any of the following:

14           "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
15 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
16 administer to another, any controlled substance as defined in Division 10 of the Health and  
17 Safety Code, or any dangerous drug as defined in Section 4022.

18           "(b) Use any controlled substance as defined in Division 10 of the Health and  
19 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an  
20 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,  
21 or to the extent that the use impairs his or her ability to conduct with safety to the public the  
22 practice authorized by his or her license.

23           "(c) Be convicted of a criminal offense involving possession of any narcotic or  
24 dangerous drug, or the prescription, consumption, or self-administration of any of the substances  
25 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is  
26 conclusive evidence thereof.

27           ....

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1           "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
2 entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as  
3 specified in subdivision (b)."

4           9.       Section 2878.8 of the Code states:

5           "The board may deny any application or may suspend or revoke any license issued  
6 under this chapter [the Vocational Nursing Practice Act] based upon the denial of licensure,  
7 suspension, restriction, or other disciplinary action of a license by another state, any other  
8 government agency, or by another California health care professional licensing board. A  
9 certified copy of the finding shall be conclusive evidence of that action provided that, if from  
10 another state, the findings establish an act which if committed in California would be grounds for  
11 discipline."

12           10.     California Code of Regulations, title 16, section 2518.5, states:

13           " The licensed vocational nurse performs services requiring technical and manual  
14 skills which include the following:

15           . . . .

16           "(b) Provides direct patient/client care by which the licensee:

17           . . . .

18           "(2) Administers medications;"

19           . . . .

20           11.     California Code of Regulations, title 16, section 2518.6, states:

21           "(a) A licensed vocational nurse shall safeguard patients'/clients' health and safety  
22 by actions which include but are not limited to the following:

23           . . . .

24           "(2) Documenting patient/client care in accordance with standards of the  
25 profession; and

26           . . . .

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1                   “(b) A licensed vocational nurse shall adhere to standards of the profession and  
2 shall incorporate ethical and behavioral standards of professional practice which include but are  
3 not limited to the following:

4                               “(1) Maintaining current knowledge and skills for safe and competent  
5 practice;

6                   . . . .

7                               “(4) Abstaining from chemical/substance abuse.

8                   “(c) A violation of this section constitutes unprofessional conduct for purposes of  
9 initiating disciplinary action.”

10                   12.     California Code of Regulations, title 16, section 2521, states:

11                               “For the purposes of denial, suspension, or revocation of a license pursuant to  
12 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
13 act shall be considered to be substantially related to the qualifications, functions or duties of a  
14 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a  
15 licensed vocational nurse to perform the functions authorized by his license in a manner  
16 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be  
17 limited to those involving the following:

18                               “(a) Procuring a license by fraud, misrepresentation, or mistake.

19                   . . . .

20                               “(c) Violating or attempting to violate, directly or indirectly, or assisting in or  
21 abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2  
22 of the Business and Professions Code.

23                   . . . .

24                               “(f) Any crime or act involving the sale, gift, administration, or furnishing of  
25 “narcotics or dangerous drugs or dangerous devices” as defined in Section 4022 of the Business  
26 and Professions Code.”

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13. Health and Safety Code section 11364, subdivision (a), states:

“It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V.”

14. Health and Safety Code section 11377, subdivision (a), states:

“Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or in the state prison.”

15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## DRUGS

16. Dilaudid - is the brand name for hydromorphone hydrochloride, a narcotic analgesic prescribed for the relief of moderate to severe pain. It is a Schedule II controlled substance as listed in Title 21, Code of Federal Regulations, section 1308.12(b)(12) and Health and Safety Code Section 11055(b)(1)(K), and a dangerous drug as defined by Business and Professions Code section 4022.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crimes)

3 17. Respondent is subject to disciplinary action under Sections 490 and 2878,  
4 subdivisions (d) and (f), in conjunction with California Code of Regulations, title 16, section  
5 2521, subdivisions (c) and (f), for having been convicted of crimes that are substantially related  
6 to the qualifications, functions or duties of a licensed vocational nurse. The circumstances  
7 regarding such convictions are as follows:

8 a. Possession of a Drug Without a Prescription

9 On or about September 16, 1998, in a criminal proceeding entitled *The People of*  
10 *the State of California v. Michelle K Deike* in San Diego County Superior Court, Case No.  
11 CN085650, Respondent was convicted on a plea of guilty for violating Code section 4230<sup>1</sup>  
12 (possession of drug without a prescription), a misdemeanor.

13 b. Driving While Under the Influence, Misdemeanor

14 On or about July 23, 2002, in a criminal proceeding entitled *The People of the*  
15 *State of California v. Michelle Kristeen Greening* in San Bernardino Superior Court, Case No.  
16 TWV037607, Respondent was convicted on a plea of guilty for violating Vehicle Code section  
17 23152(b) (driving a vehicle while having an .08 percent or more blood alcohol level), a  
18 misdemeanor.

19 c. Possession of a Drug Without a Prescription, Misdemeanor

20 On or about October 19, 2005, in a criminal proceeding entitled *The People of the*  
21 *State of California v. Michelle Kristeen Greening aka Michelle Kristeen Deike* in Riverside  
22 County Superior Court, Case No. RIF124424, Respondent was convicted on a plea of guilty for  
23 violating Code section 4230 (possession of drug without a prescription), a misdemeanor.

24 The circumstances of the conviction are that on or about June 22, 2005, Riverside  
25 County Sheriff's Department officers were contacted by the Riverside County Regional Medical  
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1. Former §§ 4230, relating to possession of drug without a prescription, was repealed by  
Stats.1996, c. 890 (A.B.2802), §§ 2. See Business and Professions Code §§ 4060.

1 Center (RCRMC) regarding the possible theft of Dilaudid by Respondent from the PYXIS<sup>2</sup>  
2 system located in the emergency room fastrack area. Respondent informed the officers that  
3 “[y]eah, I don’t want to waste your time, I came here with the intent to take it and use it so I  
4 could sleep better when I get off work in the morning.” Respondent admitted to the officers that  
5 she injected herself with Dilaudid in the fastrack employee restroom.

## 6 SECOND CAUSE FOR DISCIPLINE

### 7 (Convictions of Crimes Involving Controlled Substances)

8 18. Respondent is subject to disciplinary action under Section 2878,  
9 subdivision (a), on the grounds of unprofessional conduct as defined in Section 2878.5,  
10 subdivision (c), in that on or about October 19, 2005, Respondent was convicted of a crime  
11 involving the controlled substance and dangerous drug, Dilaudid, as more fully described above  
12 in paragraph 17(c).

## 13 THIRD CAUSE FOR DISCIPLINE

### 14 (Unlawful Possession / Use of Dilaudid)

15 19. Respondent is subject to disciplinary action under Section 2878,  
16 subdivisions (a) and (d), for engaging in unprofessional conduct as defined in Section 2878.5,  
17 subdivisions (a) and (b), and violating Health and Safety Code sections 11377 and 11364, in that  
18 on or about June 22, 2005 [see above paragraph 17(c)], Respondent was in possession of and / or  
19 used controlled substances, dangerous drugs and drug paraphernalia, without valid prescriptions,  
20 to an extent or in a manner dangerous or injurious to herself, any other person, or the public. The  
21 circumstances of the June 22, 2005 possession / use are as follows:

22 a. Respondent admitted to the Riverside County Sheriff’s Department  
23 officers that she injected herself with Dilaudid in the RCRMC fastrack employee restroom. The  
24 Respondent further admitted that she has taken vials of Dilaudid about 5-10 other times all while  
25 working the RCRMC emergency room area.

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28 2. PYXIS is a system for the automated dispensing and management of medications at the point of use in hospital settings.



1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 20. Respondent is subject to disciplinary action under section 2878,  
4 subdivisions (a) and (d), for engaging in unprofessional conduct as defined in Section 2878.5,  
5 subdivision (e), in conjunction with California Code of Regulations, title 16, sections 2518.5,  
6 subdivision (b)(2), and 2518.6, subdivision (a)(2), in that Respondent failed to properly chart and  
7 administer prescribed medications to her patients. The circumstances are as follows:

8 a. On or about June 22, 2005, while Respondent was employed as a licensed  
9 vocational nurse at RCRMC, she obtained two (2) vials of 2 mg of Dilaudid from the PYXIS  
10 system located in the emergency room fastrack area. Thereafter, Respondent failed to document  
11 or record the administration of the medication on her patient's medication administration records  
12 and failed to fully account for the disposition of the medications. The two empty vials were later  
13 located in the emergency room fastrack red sharps container.

14 FIFTH CAUSE FOR DISCIPLINE

15 (Making False Statements on Application for Initial Licensure)

16 21. Respondent is subject to disciplinary action under section 2878,  
17 subdivision (e), on the grounds of unprofessional conduct, in that Respondent made or gave false  
18 statements or information in connection with her application for vocational nurse licensure. The  
19 circumstances are as follows:

20 a. On or about February 19, 2002, Respondent submitted her  
21 application for vocational nurse licensure (application) to the Board. Respondent certified under  
22 penalty of perjury that she had never been convicted of any offense, including traffic violations  
23 on the Record of Conviction section of her application. Respondent failed to disclose her  
24 conviction in 1998 for possession of a drug without a prescription, as required, on her 2002  
25 application. The Board issued Respondent a Vocational Nurse License, No. VN 200074, on June  
26 21, 2002.

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3. Taking such other and further action as deemed necessary and proper.

DATED: April 29, 2008



TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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